

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DOMINIC PONTELLO,)	
)	
Plaintiff,)	Cause No.
)	
vs.)	
)	<u>JURY TRIAL DEMANDED</u>
HORIZON DEBT GROUP, LLC,)	
)	
Defendant.)	

HORIZON DEBT GROUP, LLC's NOTICE OF REMOVAL

NOW COMES the Defendant, Horizon Debt Group, LLC ("Horizon"), by and through its undersigned attorneys, and hereby removes and gives notice of its removal of the above captioned case brought by the Plaintiff, Dominic Pontello ("Pontello" or "Plaintiff"), in the Circuit Court of St. Charles County, Missouri, Case No. 1511-CC00295, to the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. In support of this Notice of Removal, Horizon states as follows:

1. On April 13, 2015, Plaintiff filed an intra-state class action petition ("Petition") against Horizon, alleging liability allegedly arising out of an incident that occurred on or about December 6, 2011 in St. Charles County, Missouri. The Petition was filed in the Circuit Court of the Sixteenth Judicial Circuit, Jackson County, Missouri, Case No. 1516CV 07545. A copy of the process, pleadings, orders and other documents filed in the underlying case is attached to this Notice as **Exhibit A**.

2. On April 20, 2015, Horizon was served through its managing member, Michael Smith, at its corporate address. **Exhibit A**.

3. As reflected in Plaintiff's Petition, Plaintiff is pursuing a class action based on alleged violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 et seq.

4. TCPA claims are federal question claims pursuant to 28 U.S.C. §1331, and federal courts have original jurisdiction over such claims.

5. This action is removable to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. §1441 and Local Rule 2.07, which provide that any civil action brought in a state court for which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court for the United States for the district and division embracing the place where the action is pending. St. Charles County, Missouri is situated within the territorial bounds of the Eastern District, and cases originating in St. Charles County, Missouri, are properly venued in the Eastern Division.

6. Defendant's agent was served on April 20, 2015. Therefore, pursuant to 28 U.S.C. §1446(b)(1), this Notice of Removal is timely filed "within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. §1446(b)(1).

7. In accordance with 28 U.S.C. §1446(d), written notice of the filing of this Notice of Removal will be given to the Plaintiff and will be filed with the Court Administrator for the Circuit Court of St. Charles County, State of Missouri, following the filing of this notice, together with a Notice of Filing of Notice of Removal.

8. Horizon is contemporaneously filing a Civil Cover Sheet, an Original Filing Form, a Disclosure of Organizational Interests Certificate, proof of filing the notice in the state court, proof of service upon the Plaintiff, and has paid the required filing fee.

9. Horizon has a good and sufficient defense to this action.

WHEREFORE, Defendant Horizon Debt Group, LLC requests that the above action now pending against it in the Circuit Court of St. Charles County, Missouri, be removed to the United States District Court for the Eastern District of Missouri.

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ATTORNEYS FOR DEFENDANT

HORIZON DEBT GROUP, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was placed in a sealed envelope, clearly addressed, with proper postage fully prepaid, and deposited in the United States Mail at St. Louis, Missouri, on this 20th day of May, 2015, addressed to the following attorney(s) of record:

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/s/CHRISTOPHER M. GARCIA